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Attorneys for Defendants
CITY OF SANTA ROSA; EDWIN FLINT, in his capacity
as Chief of Police for the CITY OF SANTA ROSA;
RICH CELLI, an individual and Officer of the
SANTA ROSA POLICE DEPARTMENT; TRAVIS MENKE,
an individual and Officer of the SANTA ROSA POLICE DEPARTMENT;
and PATRICIA MANN, an individual and Officer of the
SANTA ROSA POLICE DEPARTMENT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA DESANTIS, et al.,
Plaintiffs,

v.

CITY OF SANTA ROSA, et al.,
Defendants.

Case No. C 07-3386 JSW (consolidated with
C 07-4474)

**DECLARATION OF CAROLINE L.
FOWLER IN SUPPORT OF
OPPOSITION TO MOTION FOR
SUMMARY ADJUDICATION AND IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT UNDER
F.R.C.P. 56 OF DEFENDANTS**

Date: October 17, 2008
Time: 9:00 a.m.
Ctrm: 2

Trial Date: January 20, 2009

DECLARATION OF CAROLINE L. FOWLER

I, CAROLINE L. FOWLER, HEREBY DECLARE AS FOLLOWS:

1. I am an attorney duly licensed to practice law before all courts of the State of
California and before the Northern District of the United States District Court. I am the City
Attorney for the City of Santa Rosa and the attorney who has primary responsibility for the
handling of this matter. The facts set forth herein are known to me of my own personal

1 knowledge and if called as a witness, I could and would competently testify as set forth herein.

2 2. Under the critical incident protocol adopted by the police chiefs in Sonoma County,
3 whenever there is an officer involved shooting, the investigation is conducted by a outside police
4 agency. In this case, the investigation of the shooting of Mr. DeSantis was conducted by the
5 Sonoma County Sheriff's Office with assistance from officers from the Petaluma Police
6 Department.

7 3. Attached hereto as Exhibit A is a true and correct copy of the transcript of the 911 call
8 made by Patricia DeSantis to the Santa Rosa Police Department made by the Sonoma County
9 Sheriff's Department as part of its investigation of this shooting.

10 4. After the Sheriff's Office completed its report, the investigation was forwarded to the
11 Sonoma County District Attorney for review. Attached hereto as Exhibit B is a true and correct
12 copy of the District Attorney's report which concluded that the shooting was lawful and not a
13 criminal act by any of the involved officers.

14 5. On November 30, 2007, I took the deposition of Patricia DeSantis. Attached hereto as
15 Exhibit C are true and correct copies of portions of her deposition testimony.

16 6. On November 14, 2007, I attended the deposition of Sgt. Rich Celli. Attached hereto
17 as Exhibit D are true and correct copies of portions of his deposition testimony. On June 11,
18 2008, I attended the completion of Sgt. Rich Celli's deposition. Attached hereto as Exhibit E are
19 true and correct copies of portions of that deposition.

20 7. On November 15, 2007, I attended the deposition of Office Travis Menke. Attached
21 hereto as Exhibit F are true and correct copies of portions of his deposition testimony.

22 8. On November 15, 2007, I attended the deposition of Officer Patricia Mann. Attached
23 hereto as Exhibit G are true and correct copies of portions of his deposition testimony.

24 9. On July 24, 2008, I attended the deposition of Officer Jerry Ellsworth. Attached
25 hereto as Exhibit H are true and correct copies of portions of his deposition.

26 10. On June 10, 2008, I attended the deposition of Officer Daniel Jones. Attached hereto
27 as Exhibit I are true and correct copies of portions of his deposition testimony.

28 11. On December 20, 2007, I attended the deposition of Sgt. Jerry Soares. Attached

1 hereto as Exhibit J are true and correct copies of portions of his deposition.

2 12. On July 24, 2008, I attended the deposition of Clay Vanartsdalen who was designated
3 as the City's Most Knowledgeable person regarding training. Attached hereto as Exhibit K, are
4 true and correct copies of portions of his deposition.

5 13. Attached hereto as Exhibit L is a true and correct copy of the City of Santa Rosa's
6 Use of Force Policy that was in effect at the time of the incident which is the subject of this
7 action.

8 14. Attached hereto as Exhibit M is a true and correct copy of the training record of Sgt.
9 Rich Celli, maintained by the City of Santa Rosa Police Department in the ordinary course of its
10 business.

11 15. Attached hereto as Exhibit N is a true and correct copy of the training record of
12 Officer Travis Menke maintained by the City of Santa Rosa Police Department in the ordinary
13 course of its business.

14 16. Attached as Exhibit O is a true and correct copy of the training record of Office
15 Patricia Mann.

16 17. On February 13, 2008, I took the deposition of Joseph Silny who was a witness to the
17 shooting. Attached hereto as Exhibit P are true and correct copies of portions of Mr. Silny's
18 deposition testimony.

19 18. Attached hereto as Exhibit Q is a true and correct copy of the autopsy report of
20 Richard DeSantis indicating that he was struck by two bullets.

21 19. Attached hereto as Exhibit R is a true and correct copy of a diagram prepared as part
22 of the District Attorney's Report depicting the scene of the incident.

23 I declare under penalty of perjury that the foregoing is true and correct, executed this 5th
24 day of September, 2008 at Santa Rosa, California.

25
26 /s/
27 Caroline L. Fowler
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